IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO. 11262 of 2004

Between:

Kalabandalapati Ramanachary S/o. Venkatacharya
R/o. Singarayakonda, Prakasam District rep. by

its Venkataramana Enterprises. ..... PETITIONER

AND

1 Debts Recovery Tribunal Visakhapatnam
rep by its Presiding Officer, Visakhapatnam.
2 State Bank of India, rep.by its Manager, Pakala Branch,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent herein to reject the granting of stay of all further proceedings in O.S 349/2002 before the 1st respondent till the disposal of the O.S.No.5 of 2003 which is pending before the District Judge, Ongole against the Insurance Company in both the O.A and suit parties are same is illegal, arbitrary and against the principles of natural justice consequently direct the 1st respondent herein to stay of all further proceedings in O.A.349/2002 before the 1st respondent herein.

Counsel for Petitioner : MR.Y.SUBBHA REDDY

Counsel for Respondent No.1: Mr.RAMAKRISHNA RAO SIDDHANTHI

Addl.Standing Counsel for Central Govt.

The Court made the following :

ORDER:

This writ petition is filed against the orders of the Debts Recovery Tribunal, Visakhapatnam in IR.No.3692 of 2004 in O.S.No.349 of 2002 thereby declining to stay the proceedings in O.A.No.349 of 2002 pending before it till the disposal of a subsequently instituted suit on the file of the District Judge, Ongole. There is a statutory remedy available to the petitioner to challenge the order of the Debts Recovery Tribunal by approaching the appropriate authority constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

With leave and liberty granted to the petitioner to approach the appropriate authority, this writ petition is dismissed. No costs.

DEVINDER GUPTA, C.J

G.ROHINI, J

Dated: 8th July 2004.

VR/DA

To

1 The Presiding Officer, Debts Recovery Tribunal, Visakhapatnam.
2 The Manager, State Bank of India, Pakala Branch,

Prakasam District.

3 Two CD copies.